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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/252,326

02/18/1999

MARK G. PRESTOY

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05/03/2006

VERIZON CORPORATE SERVICES GROUP INC.

C/O CHRISTIAN R. ANDERSEN

600 HIDDEN RIDGE DRIVE

MAILCODE HQEO3H14

IRVING, TX 75038

EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2623

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/252,326
Filing Date: February 18, 1999
Appellant(s): PRESTOY, MARK G.

Joseph R. Palmieri
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 27, 2006 appealing from the Office action mailed January 25, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,646,676	DEWKETT ET AL.	07-1997
6,286,142	EHRETH	09-2001
6,139,197	BANKS	10-2000

6,151,325	HIUCHYJ	11-2000
6,014,706	CANNON ET AL.	01-2000
6,052,715	FUKUI ET AL.	04-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4, 6, 11, 12, 17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Dewkett et al (5,646,767)**. This rejection is set forth in a prior Office Action, mailed on 01/25/2005.

Claims 2, 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al (5,646,767)** in view of **Ehreth (6,286,142)**. This rejection is set forth in a prior Office Action, mailed on 01/25/2005.

Claims 3, 5, 10, 13, 15, 19, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al (5,646,767)** in view of **Banks (6,139,197)**. This rejection is set forth in a prior Office Action, mailed on 01/25/2005.

Claims 7-9, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al (5,646,767)** in view of **Hluchyj (6,151,325)**. This rejection is set forth in a prior Office Action, mailed on 01/25/2005.

Claims 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al (5,646,767)** in view of **Banks (6,139,197)**, and further in view of **Cannon et al (6,014,706)**. This rejection is set forth in a prior Office Action, mailed on 01/25/2005.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al (5,646,767)** in view of **Banks (6,139,197)**, and further in view of **Fukui et al (6,052,715)**. This rejection is set forth in a prior Office Action, mailed on 01/25/2005.

(10) Response to Argument

As to Appellant's arguments that the rejection of claims 1 and 17, under 35 U.S.C. 102(e) as being anticipated by **Dewkett et al (5,646,767)** is not well founded because "Dewkett et al. fails to show each and every recitation of the rejected claims..." and further states that, "The Examiner asserts that CPUs 101 of the host computer system described in Dewkett et al. are both 'configured to stream video' and have 'concurrent access' to disks 107... However, this is not the case. In fact, Dewkett et al. explicitly states that the 'CPUs [101]... of the host system are not used for [multimedia] data transmission.... Thus, contrary to Examiner's assertions, the CPUs 101 described in Dewkett et al. are not 'configured to stream' video, as recited by claims 1 and 17." (see page labeled 12-14 of Appellant's Brief).

In response Examiner respectfully disagrees. Examiner notes Appellant's arguments, however it appears applicant is interpreting a couple of sentences within the cited column to imply that the plurality of CPUs 101, are not configured to stream video. As indicated in the disclosure, the host CPUs "plurality of processors" handles concurrent STB requests, which includes movie start and stop commands and controls any Multimedia Adapter 106 to retrieve the requested movie from any set of disk "set of storage devices" associated with the MM adapter 106, to concurrently stream movie requests to STBs (col. 9, lines 19-22, line 45-col. 10, line 2); determines the

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transmission of the requested movie to be allowed to the STB and sends a responds command to the appropriate MMC of MM adapter 106 (col. 9, lines 58-62); accepting interruption, reading blocks, inserting start and stop commands, performing processes needed to be done before any movie can be transmitted to any STB (col. 13, lines 58-63); copies or replicates movies from tape to one or more disks associated with the MM adapter 106 (col. 14, lines 39-62), etc. These cited columns clearly demonstrates that the plurality of CPUs in the host system are the master controllers of the interactive multimedia server system that are configured to control any intermediate MMC of the MM adapter 106 to concurrently stream movies to any STB based on the request, and furthermore controlling interrupts, checking for authorization and billing, etc., of the interactive multimedia server system. Hence the rejection of claims 1 and 17, using Dewkett is proper and should be sustained, since the rejection meets all the claimed limitations.

With respect to claims 4, 6, 11, 12 and 20, which depend on one of claims 1 and 17, Appellant further requests that the rejection be reversed and claims allowed.

In response, examiner disagrees. Examiner respectfully maintains that for the same reasons set forth for claims 1 and 17, the rejections of claims 4, 6, 11, 12 and 20, using Dewkett is proper, meets all the claimed limitations and should be sustained.

With respect to claims 2, 18 and 26, rejected under 35 U.S.C. 103(a) as unpatentable over **Dewkett et al.** in view of **Ehreth (6,286,142)**, Appellant further argues that, "claims 2, 18 and 26 depend, directly or indirectly from one of claims 1 and

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17....Moreover, Ehreth is not relied upon to teach, and in fact does not teach the above-noted deficiencies of Dewkett et al.” (see page labeled 16 of appellant’s Brief).

In response, Examiner disagrees. Examiner respectfully maintains that, for the same reasons set forth for claims 1 and 17, the rejections of claims 2, 18 and 26 using Dewkett in view of Ehreth is proper, meets all the claimed limitations and should be sustained.

With respect to claims 3, 5, 10, 13, 15, 16, 19, 23 and 24, rejected under 35 U.S.C. 103(a) as being unpatentable over **Dewkett et al.** in view of **Banks (6,139,197)**, applicant further argues that, “claims depend, directly or indirectly from one of claims 1 and 17...Accordingly, Appellant respectfully requests that the rejection of the claims...be reversed and claims allowed (see page labeled 17 of appellant’s Brief).

In response, examiner disagrees. Examiner respectfully maintains that, for the same reasons set forth for claims 1 and 17, the rejections of claims 3, 5, 10, 13, 15, 16, 19, 23 and 24, using Dewkett in view of Banks is proper, meets all the claimed limitations and should be sustained.

With respect to claims 3, 13, 19 and 24, Appellant argues that, “the encoder of Banks does not encode the video and store the encoded video in the video server...” (see pages labeled 17-18 of appellant’s Brief).

In response, examiner disagrees. Examiner notes appellant’s arguments, however, the storing of video is met by the disclosure of Dewkett. Dewkett fails to

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explicitly teach encoding the stored video, a deficiency in Dewkett, which is disclosed in Bank where a server 102 encodes video (col.3, lines 41-58, col.7, lines 18-58 and col.8, line 45-66). Hence, Examiner respectfully maintains the rejections of claims 3, 13, 19, 23 and 24, using Dewkett in view of Banks is proper, meets all the claimed limitations and should be sustained.

With respect to claims 5, 10, 15 and 23, Appellant argues that, "Banks does not teach a web server in addition to a video server..." and further argues that "the combination would teach, at most, implementing the Dewkett et al. server as web server, and not "[a]n interactive multimedia system, comprising: a massively video server,' as recited in claim 1, and 'further comprising a web server,' as recited in claim 5... For these additional reasons, Dewkett et al. and Banks, taken alone or in combination, do not teach or suggest the recitations of claims 5 and 23..." (see pages labeled 18-19 of appellant's Brief).

In response, examiner disagrees. Examiner notes appellant's arguments, however, Banks further teaches that interactive video server 102, can also be implement as a web server and where a user can transmit requests or interact to the server to receive requested video or data (col.3, line 51-col.4, line 2) and as such the combination of Banks with Dewkett's interactive multimedia server system is proper. Hence, Examiner respectfully maintains the rejections of claims 5, 10, 15 and 23, using Dewkett in view of Banks is proper, meets all the claimed limitations and should be sustained.

With respect to claims 7-9, 21 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Dewkett et al. in view of **Hluchyi (6,151,325)**, appellant further argues that claims depend on claims 1 and 17 and since claims 1 and 17 are distinguished from Dewkett et al., the claims should be reversed and claims allowed (see page labeled 19 of appellant's Brief).

In response, examiner disagrees. Examiner respectfully maintains that, for the same reasons set forth for claims 1 and 17, the rejections of claims 7-9, 21 and 22, using Dewkett in view of Hluchyi is proper, meets all the claimed limitations and should be sustained.

With respect to claims 14 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Dewkett et al., in view of Banks and further in view of **Cannon et al. (6,014,706)**, appellant further argues that claims depend on claims 3 and 19 and claims 3 and 19 are allowable over Dewkett et al and Banks since Cannon does not supply the deficiencies of Dewkett et al and Banks (see page labeled 20 of appellant's Brief).

In response, examiner disagrees. Examiner respectfully maintains that, for the same reasons set forth for claims 1 and 17 and claims 3 and 19 above, the rejections of claims 14 and 25, using Dewkett in view Banks and further in view of Cannon is proper, meets all the claimed limitations and should be sustained.

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With respect to claims 16, rejected under 103(a) as being unpatentable over Dewkett et al. in view of Banks and Fukui et al, appellant further argues that the claims should be allowed since claim 16 depend on claim 5.

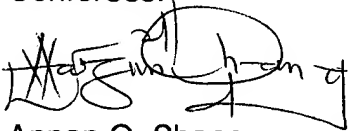
In response, examiner disagrees. Examiner respectfully maintains that, for the same reasons set forth for claim 5 above, the rejections of claim 16, using Dewkett in view Banks and further in view of Fukui is proper, meets all the claimed limitations and should be sustained.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

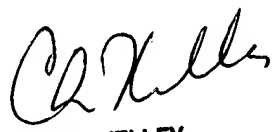
Annan Q. Shang

Conferees:



Annan Q. Shang

Chris Kelly



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Chris Grant

C/O CHRISTIAN R. ANDERSON

600 HIDDEN RIDGE DRIVE, HQE03H14

IRVING, TEXAS 75038



CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600